

The Law Offices of Roger L. Fidler
126 East 83rd Street, Suite 3B
New York, New York 10028
Tel: (201) 670-0881
Fax: (201) 670-0888
Attorney for Plaintiff

UNITED STATES DISTRICT COURT, SOUTHERN DISTRICT OF NEW YORK

DENIS C. MOORE

Plaintiff,

- against -

**JOEL F. BROWNSTEIN and
JUDITH C. BROWNSTEIN
Defendants.**

Civil Action No. 08cv6280

**REQUEST FOR ENTRY
OF DEFAULT**

TO: J. MICHAEL MCMAHON, Clerk of the Court
United States District Court-Southern District of New York
U.S. Courthouse
500 Pearl Street
New York, New York 10007

Please enter the default of defendants Joel F. Brownstein and Judith C. Brownstein for failure to plead or otherwise defend as provided by Rule 55(a) of the Federal Rules of Civil Procedure.

Dated: August 20, 2008

____/s/Roger L. Fidler_____
Roger L. Fidler, Esq. (rf9997)
Attorney for Plaintiff,
Denis C. Moore

The Law Offices of Roger L. Fidler
126 East 83rd Street, Suite 3B
New York, New York 10028
Tel: (201) 670-0881
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Attorney for Plaintiff

UNITED STATES DISTRICT COURT, SOUTHERN DISTRICT OF NEW YORK

DENIS C. MOORE

Plaintiff,

- against-

**JOEL F. BROWNSTEIN and
JUDITH C. BROWNSTEIN
Defendants.**

Civil Action No. 08cv6280

**AFFIDAVIT OF
ROGER L. FIDLER IN
SUPPORT OF REQUEST
ENTRY OF DEFAULT**

STATE OF NEW JERSEY)
)
COUNTY OF BERGEN) ss.:

Roger L. Fidler, being duly sworn, deposes and says:

1. I am a member of the Bar of this Court and the attorney for Plaintiff in the above-entitled action. I am familiar with all the facts and circumstances in this action.
2. I make this affidavit pursuant to Rule 55.1 of the Local Civil Rules for the Southern District of New York, in support of a Request for Entry of Default against Defendants Joel F. Brownstein and Judith C. Brownstein.
3. This action was commenced on July 11, 2008 by the filing of the summons and complaint. On July 23, 2008, service was accepted on behalf of Defendants by Pernell Robinson, Concierge, a person of suitable age and discretion, at 350 E. 82nd Street, New York, New York 10028, said premises being the defendants' usual place of

abode within the state. On July 24, 2008, service was made by mail. The Affidavits of Service were filed with this court via ECF on July 31, 2008.


4. The time in which the Defendants, Joel F. Brownstein and Judith C. Brownstein, may answer or otherwise move as to the Complaint has expired and has not been extended. Defendants have not answered or otherwise moved as to the Complaint.

5. Neither of the Defendants, Joel F. Brownstein nor Judith C. Brownstein, is a minor, mentally incompetent nor in the military service of the United States.

6. The foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false I am subject to punishment.

Dated: Wyckoff, New Jersey

August 20, 2008



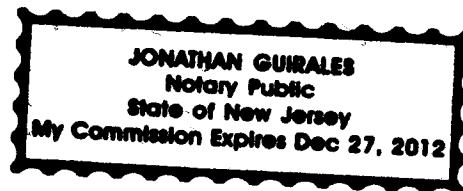
Roger L. Fidler, Esq. (9997)
Attorney for Plaintiff,
Denis C. Moore

Sworn to before me this 20th

day of August, 2008.



Notary Public



The Law Offices of Roger L. Fidler
126 East 83rd Street, Suite 3B
New York, New York 10028
Tel: (201) 670-0881; FAX 0888
Attorney for Plaintiff

UNITED STATES DISTRICT COURT, SOUTHERN DISTRICT OF NEW YORK

DENIS C. MOORE

Plaintiff,

- against -

**JOEL F. BROWNSTEIN and
JUDITH C. BROWNSTEIN
Defendants.**

Civil Action No. 08cv6280

CLERK'S CERTIFICATE

I, J. MICHAEL MCMAHON, Clerk of the United States District Court for the Southern District of New York, do hereby certify the following:

1. This action commenced on July 11, 2008 with the filing of a summons and complaint;
2. On July 23, 2008, service of two copies of the summons and complaint was accepted on behalf of the Defendants by Pernell Robinson, Concierge, a person of suitable age and discretion, at the Defendants' usual place of abode within the state;
3. On July 24, 2008, service was made by mail; and
4. On July 31, 2008, proofs of such service thereof were filed with the Court via ECF.

I further certify that the docket entries indicate that the Defendants have not filed an answer or otherwise moved with respect to the complaint herein. The default of the defendant is hereby noted.

Dated: New York, New York

J. MICHAEL MCMAHON

Clerk of the Court

By: _____
Deputy Clerk

The Law Offices of Roger L. Fidler
126 East 83rd Street, Suite 3B
New York, New York 10028
Tel: (201) 670-0881
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Attorney for Plaintiff

UNITED STATES DISTRICT COURT, SOUTHERN DISTRICT OF NEW YORK

DENIS C. MOORE

Plaintiff,

- against -

JOEL F. BROWNSTEIN and
JUDITH C. BROWNSTEIN

Defendants.

Civil Action No. 08cv6280

**CERTIFICATION
OF SERVICE**

Lauren Cannataro, being of full age, hereby certifies the following:

1. I am a paralegal employed at the Law Offices of Roger L. Fidler, the attorney for Dennis C. Moore in the above-captioned matter.
2. On August 20, 2008, I sent one (1) copy of a Request for Entry of Default, Affidavit of Roger L. Fidler in Support of Request for Entry of Default and the proposed Clerk's Certificate to each of the following parties by United States Postal Service, First Class Mail:

Joel F. Brownstein
Apt.9H, 350 E. 82nd Street
NY, NY 10028

and

Judith C. Brownstein
Apt. 9H, 350 E. 82nd Street
NY, NY 10028

and two (2) courtesy copy of these documents to:

Honorable Koetlt, U.S.D.C.J.
Southern District of New York
Daniel Patrick Moynihan
United States Courthouse

500 Pearl Street
New York, NY 10007-1312

3. I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Dated: August 20, 2008

____/s/Lauren Cannataro_____
Lauren Cannataro